



Jeff Levine, AICP, Director
Planning & Urban Development Department

Ann Machado
Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS

Interpretation Appeal Application

Applicant Information:

Mackenzie Simpson (Agent for Dana French)
NAME

Simpson Real Estate Services
BUSINESS NAME

P.O. Box 11583, Portland, ME 04104
BUSINESS ADDRESS

207-310-0221
BUSINESS TELEPHONE & E-MAIL

Agent/owner
APPLICANT'S RIGHT/TITLE/INTEREST

R-3
CURRENT ZONING DESIGNATION

Legal 2 unit, used as 3 unit
EXISTING USE OF THE PROPERTY:

Subject Property Information:

183-185 Whitney Ave
PROPERTY ADDRESS

CBL 186A-D-007
CHART/BLOCK/LOT (CBL)

Mikel DeAngelis & Dana French
PROPERTY OWNER (If Different)

63 Mortimer SE, Allenton, GA 30317
ADDRESS (If Different)

207-838-3428 DANAFRENCH@
PHONE # AND E-MAIL YAHOO.COM

DISPUTED PROVISIONS FROM SEC 14-
391
391(c)
463

RECEIVED

MAY 18 2017

ORDER, DECISION, DETERMINATION OR INTERPRETATION UNDER DISPUTE:

Notice of Violation & Order to Correct

Legalization of 3rd Unit

Dept. of Building Inspections
City of Portland Maine

TYPE OF RELIEF REQUESTED

Legalization of 3rd Unit or additional 90
days to provide adequate information to legalize 3rd Unit.

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

[Signature]
SIGNATURE OF APPLICANT

5/18/17
DATE

Simpson Real Estate Services, LLC

Mackenzie Simpson, Esq.
P.O. Box 11583
Portland, ME 04104

May 18, 2017

Planning Division
Fourth Floor, City Hall
389 Congress Street
Portland, ME 04101

Zoning Division
Third Floor, City Hall
389 Congress Street
Portland, ME 04101

RE: 183-185 Whitney Ave., Portland, ME
Legalization of 3rd Unit

Dear Ms. Stacey,

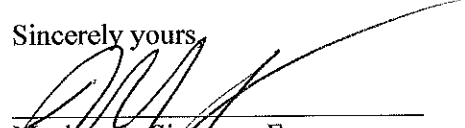
We have not heard from you in regards to an extension 30 to 90 days to get all the CMP and telephone records due the backup of demand at CMP, therefore we are filing an appeal of the Notice of Violation and Order to Correct dated April 18, 2017.

An extension of time to find CMP and phone records does not seem unreasonable. There are several buildings on Whitney Ave that have three, four and even six units, therefore the use is not inconsistent with the neighborhood. The owner is willing to cure any permit issues, install needed items to make it a legal 3rd unit if necessary, and take such other actions that are required per the City in order to make it a legal three (3) unit.

As stated, Whitney Ave currently has numerous multi-family dwellings, Portland does not have enough housing to meet demand and finally a good tenant will lose their home. Therefore, we respectfully appeal the Notice of Violation and Order to Correct.

Thank you for your time and consideration. If you have any questions, or need further information, please don't hesitate to contact us.

Sincerely yours,



Mackenzie Simpson, Esq.
Simpson Real Estate Services, LLC
P.O. Box 11583
Portland, ME 04101
207-310-0221

CC: Dana French via email (danajfrench@yahoo.com)
Encl: \$100.00 Appeal Fee Check

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

Ann Machado, Zoning Administrator

April 18, 2017

Mikel DeAngelis & Dana French
183 Whitney Ave.
Portland, ME 04102

Re: Permit #2016-00602 – 183 Whitney Ave, Portland, Maine – CBL 186A-D-007 – R-3
Residential Zone

Dear Mr. DeAngelis & Ms. French:

On March 16, 2016 you or your representative submitted a permit application to legalize a dwelling unit at the above-referenced property, per the legalization process outlined in section 14-391 of the City's Code. However, this office has determined that the application does not include competent evidence of eligibility for legalization per the requirements of section 14-391(c). Therefore, we have formally denied the permit as of the date of this letter.

You have the right to appeal the permit denial pursuant to section 14-472 within thirty days from the date of denial. If you do not appeal, you may be barred from challenging the decision in the future. Please contact the Zoning Division for the necessary paperwork if you decide to file an appeal, or if you have any questions.

Sincerely,

Christina Stacey
Zoning Specialist
(207) 874-8695
dstacey@portlandmaine.gov

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

Ann Machado, Zoning Administrator

April 18, 2017

NOTICE OF VIOLATION AND ORDER TO CORRECT
Sent by Certified and Regular Mail

Mikel DeAngelis & Dana French
183 Whitney Ave.
Portland, ME 04102

Re: 183 Whitney Avenue, Portland, Maine – CBL 186A-D-007 – R-3 Residential Zone

Dear Mr. DeAngelis & Ms. French:

On March 17, 2017, this office inspected the above-referenced property and observed that there were three dwelling units in the principal building. City records show that the legal use of the property is a two-family dwelling. The third dwelling unit was constructed without the required permits, in violation of section 14-463 of the City's Code (available online or at the City Clerk's office), which requires that "no building or part thereof shall be constructed, altered, enlarged or moved unless a permit for such action has been issued by the building authority."

On March 16, 2016 you or your representative submitted a permit application to legalize the third dwelling unit, using the process outlined in section 14-391 of the City's Code. However, this office found that the application did not provide competent evidence of eligibility for legalization per the requirements of section 14-391(c), and denied the permit on April 18, 2017.

To remedy this violation, you must remove the illegal dwelling unit by removing the kitchen, including all equipment and plumbing.

Within 30 days of the date of this letter, you must remove the illegal unit. If you do not do so, the City will refer this matter to the City's Corporation Counsel's office for enforcement action. The City may be entitled to an order to correct the violations, civil penalties in the minimum of \$50 per violation per day, costs and fees, and other relief, under section 1-15 of the City Code and 30-A M.R.S. § 4452.

You have the right to appeal this Notice of Violation and Order to Correct pursuant to section 14-472 within thirty days from the date of this letter. If you do not appeal, you may be barred from challenging my findings in the future. Please contact the Zoning Division for the necessary paperwork if you decide to file an appeal.

Please contact me with any questions. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Christina Stacey', with a decorative flourish at the end.

Christina Stacey
Zoning Specialist
(207) 874-8695
cstacey@portlandmaine.gov

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
 389 Congress Street
 Portland, Maine 04101

INVOICE OF FEES

Application No: 0000-2989	Applicant: Mackenzie Simpson
Project Name: 183 WHITNEY AVE	Location: 183 WHITNEY AVE
CBL: 186A D007001	Application Type: Interpretation
Invoice Date: 05/18/2017	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$100.00		\$100.00		\$0.00	On Receipt

Previous Balance **\$0.00**

Fee Description	Qty	Fee/Deposit Charge
Appeal Application Fee	1	\$100.00
		\$100.00
	Total Current Fees:	+ \$100.00
	Total Current Payments:	- \$100.00
	Amount Due Now:	\$0.00

CBL 186A D007001
Bill To: DE ANGELIS MIKEL & DANA FRENCH JTS
 183 WHITNEY AVE
 PORTLAND, ME 04102

Application No: 0000-2989
Invoice Date: 05/18/2017
Invoice No: 68193
Total Amt Due: \$0.00
Payment Amount: \$100.00

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.

Pay On-Line at <http://portlandmaine.gov/550/Inspections>